

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Wyoming Regulatory Office CEN-WO_OD-RWY

FILE NUMBER: 200440353

REGULATORY PROJECT MANAGER: Michael Borgan Date: Dec. 17, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: Dec. 17, 2004
 At the project site — (Y/N) Date:

PROJECT LOCATION INFORMATION:

State: Wyoming

County: Campbell

Center coordinates of site by latitude & longitudinal coordinates:

Latitude 44 hours 16 minutes 41.10 seconds

Longitude 105 hours 23 minutes 16.27 seconds

Approximate size of site/property (including uplands & in acres): 5

Name of waterway or watershed: Donkey Creek

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream	X								
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary — Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph

4 – site information on waters of the U.S. occurring onsite): Site #3 for Alternative A is in the upper portion of an unnamed tributary to a closed basin. The stream crossing is just north of the Gillette airport